

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Steven M. RUBEN

Appl. No.: 10/662,429

Filed: September 16, 2003

For: **Apoptosis Inducing Molecule I**

Confirmation No.: 2663

Art Unit: 1644

Examiner: HUYNH, PHUONG N.

Atty. Docket: 1488.1890003/EJH/SAC

**Declaration of Michele Wales
Ruben Exhibit #141**

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Paper No _____

Filed on Behalf of Party Ruben:

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES
(Administrative Patent Judge Sally Gardner Lane)

STEVEN M. RUBEN

Junior Party,
(Application No. 08/816,981).

v.

STEVEN R. WILEY
and RAYMOND G. GOODWIN

Senior Party,
(Patent No. 5,763,223).

Patent Interference No. 105,077

DECLARATION OF MICHELE WALES

Ruben EXHIBIT 2141
Ruben v. Wiley et al.
Interference No. 105,077
RX 2141

Interference No. 105,077
Ruben v. Wiley *et al.*

DECLARATION OF MICHELE WALES

I, Michele Wales, declare and state as follows:

1. I have been employed by Human Genome Sciences, Inc., since 1998, and am currently in the position of Assistant General Counsel, Intellectual Property. In this position, I am responsible for the preparation and maintenance of records related to the patent estate of Human Genome Sciences ("HGS").

2. As part of my duties, I have personally investigated the routine business practices of HGS, from a date prior to 1994 to the date I was hired, related to records kept by HGS that were generated as part of HGS's regularly-conducted business activities. Accordingly, I am very familiar with the routine business practices and procedures established and maintained by HGS with respect to records that HGS keeps in its normal course of business activity.

3. I am personally aware that, from a date prior to 1994 through the present, HGS has kept and continues to keep records of, *inter alia*, events, acts, acquired information, and data, in the normal course of its regularly-conducted business. These records, whether prepared or acquired by HGS, exist in a number of forms encompassing, for example, correspondence, which includes both transmitted and received letters and e-mails, memoranda, reports, minutes, electronic databases, computer-readable storage media including but not limited to magnetic storage tapes, and laboratory notebooks. These records are prepared by the individual having the knowledge recorded or by a person to whom that knowledge has been transmitted. In HGS's normal course of business, such records are prepared either contemporaneously or near to the

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time of the event, act, or acquisition recorded. Moreover, the preparation and maintenance of such records has been and remains a regular business practice of HGS.

4. Examples of the records that it was and remains HGS's regular business practice to make, and which were and continue to be kept in the regular course of HGS's business include, but are not limited to:

(a) Laboratory Notebooks, such as but not limited to those for which excerpts have been provided as RE61, RE55, RE63, RE65, RE69, RE87, RE88, RE89, RE90, RE91, RE92, RE93, RE94, RE95, RE104, and RE129, as well as research notes, *e.g.* RE96;

(b) Correspondence regarding, for example, the preparation and prosecution of patent applications (*e.g.* RE37, RE44, RE45, RE49, RE51);

(c) Invoices, purchase orders, receipts, and related papers documenting costs and expenditures related to the preparation, filing, and prosecution of patent applications, as well as other related activities, including for example, deposit of strains with the American Type Culture Collection (*e.g.* RE40, RE41, RE42); and


(d) Electronic databases (*e.g.* RE62, and RE97 - RE101).

5. I have personally reviewed each of the Ruben Exhibits listed in the preceding section, and I can attest that all of those documents are records that are kept by HGS in the course of its regularly-conducted business activities, and that it was the regular practice of HGS to generate such records. I can further attest that each of those records was prepared at or near the time of the recorded activity by a person with knowledge thereof.

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6. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the above-captioned application or any patent issuing thereon.

Date July 15, 2004
Michele Wales